

July 13, 2004

AN ORDINANCE

**04- 0 -1567**

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF HOLLY STREET, NW LOCATED FROM APPROXIMATELY 210 FEET NORTH OF TENTH STREET TO APPROXIMATELY 210 FEET NORTH CONSISTING OF .236 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 107 OF THE 17<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of HOLLY STREET, NW for the purpose of using the property for their own private use; and

WHEREAS, the request to abandon said street has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned right-of-way will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the abutting property owner has agreed to acquire said street from the City of Atlanta for the appraised fair market value; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of unimproved HOLLY STREET, NW located from approximately 210 feet north of Tenth Street to approximately 210 feet north consisting of .399 acres, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 107 of the 17<sup>th</sup> District, Fulton County, Georgia the same are hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon said street.



SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

SECTION 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 5. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

SECTION 6. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

October 4, 2004  
October 8, 2004



**SECTION 3.** That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

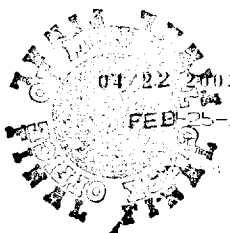
**SECTION 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 5.** That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

**SECTION 6.** That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

**SECTION 7.** That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

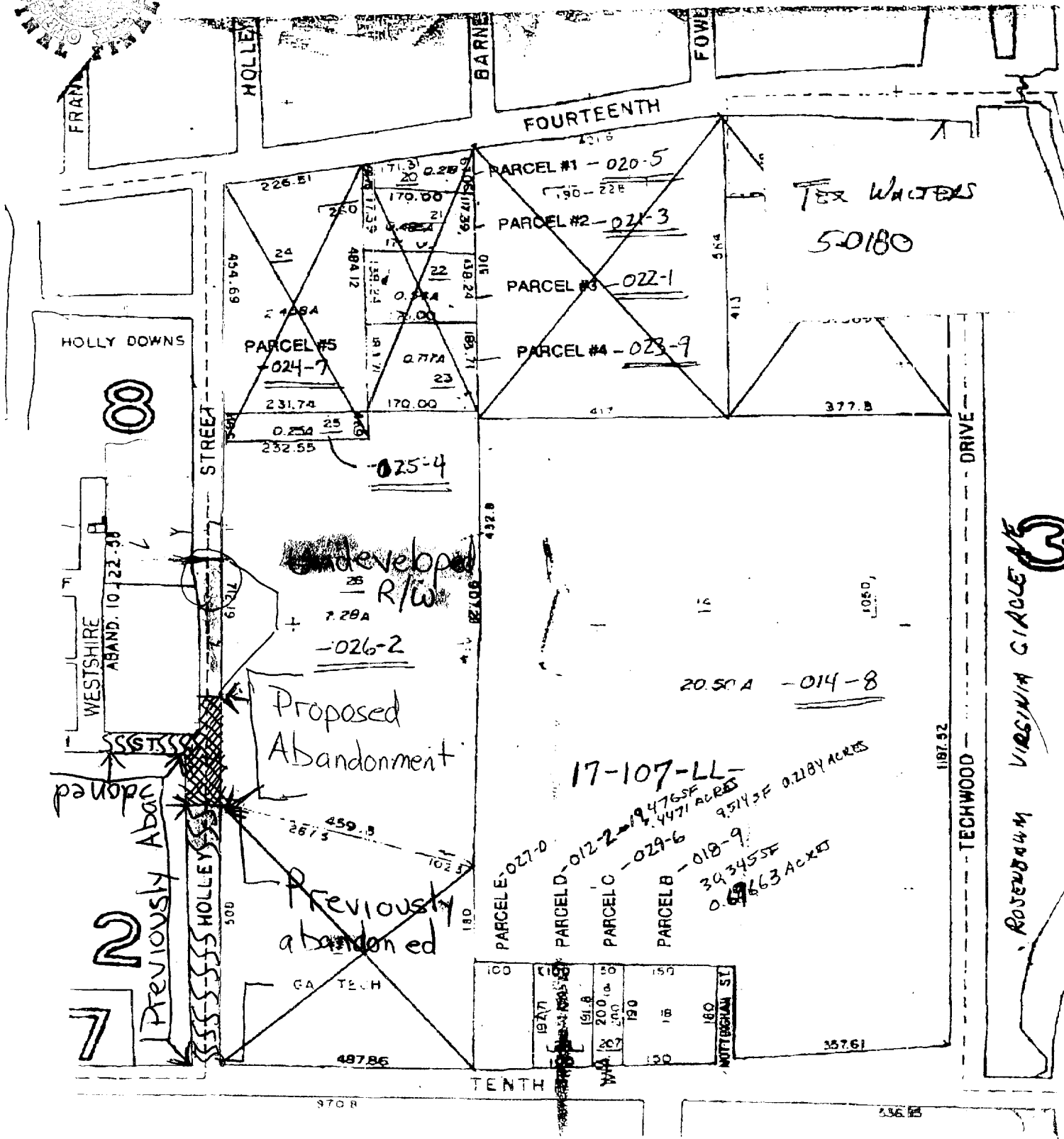
**SECTION 8.** That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.



04/22/2003 09:51 FAX  
FEB 25-2003 15:44

Exhibit A

0004  
P.001/001





## LEGAL DESCRIPTION - ENTIRE HOLLY STREET TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING IN OR BEING IN LAND LOT 107 OF THE 17TH DISTRICT, FULTON COUNTY, CITY OF ATLANTA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF WEST TENTH STREET (F/K/A EMMET STREET) (60 FOOT RIGHT-OF-WAY WIDTH AT THIS POINT) WITH THE EAST RIGHT-OF-WAY OF ATLANTIC DRIVE (F/K/A RIDGE AVENUE) (F/K/A KONTZ STREET) (50 FOOT RIGHT-OF-WAY WIDTH);

THENCE PROCEED ALONG SAID NORTH RIGHT-OF-WAY OF WEST TENTH STREET SOUTH 89 DEGREES 37 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 129.24' TO A POINT;

THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY OF WEST TENTH STREET SOUTH 89 DEGREES 37 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 21.13 FEET TO A 1-INCH SQUARE IRON FOUND;

THENCE CONTINUE ALONG SAID NORTH RIGHT-OF-WAY OF WEST TENTH STREET SOUTH 89 DEGREES 37 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 293.06' TO A POINT AT THE FORMER WEST RIGHT-OF-WAY OF HOLLY STREET, NOW ABANDONED PER DEED BOOK 4655, PAGE 283, FULTON COUNTY RECORDS;

THENCE DEPART SAID NORTH RIGHT-OF-WAY OF WEST TENTH STREET AND PROCEED ALONG SAID FORMER WEST RIGHT-OF-WAY OF HOLLY STREET NORTH 00 DEGREES 09 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 295.34 FEET TO A POINT;

THENCE CONTINUE ALONG SAID FORMER WEST RIGHT-OF-WAY OF HOLLY STREET NORTH 00 DEGREES 09 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 208.02 FEET TO THE NORTHERN TERMINUS OF SAID ABANDONED HOLLY STREET PER SAID DEED BOOK AND PAGE, SAID POINT BEING THE POINT OF BEGINNING.

THE POINT OF BEGINNING THUS ESTABLISHED, THENCE PROCEED ALONG THE WEST RIGHT-OF-WAY OF SAID HOLLY STREET AS IS ABANDONED IN THE FIELD, BUT FOR WHICH NO RECORD HAS BEEN OBTAINED FOR SAID ABANDONMENT, NORTH 00 DEGREES 09 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 115.45 FEET TO A POINT ON THE FORMER SOUTH RIGHT-OF-WAY OF WEST ELEVENTH STREET NOW ABANDONED AT THIS POINT PER DEED BOOK 4431, PAGE 499);

THENCE NORTH 00 DEGREES 09 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 40.41 FEET TO A THREE-QUARTER INCH ROD FOUND IN A CONCRETE MONUMENT AT THE FORMER NORTH RIGHT-OF-WAY OF WEST ELEVENTH STREET NOW ABANDONED PER AFORESAID DEED;

THENCE DEPART SAID FORMER NORTH RIGHT-OF-WAY OF WEST ELEVENTH STREET, NORTH 00 DEGREES 09 MINUTES 11 SECONDS EAST FOR A DISTANCE OF 49.60 FEET TO A POINT;

THENCE NORTH 89 DEGREES 32 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 31.61 FEET TO A THREE-QUARTER INCH OPEN-TOP PIPE FOUND AT THE COMMON PROPERTY LINE OF BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA AND OF TURNER BROADCASTING SYSTEM, INC.;

THENCE DEPART SAID COMMON PROPERTY LINE, NORTH 89 DEGREES 32 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 18.21 FEET TO A POINT AT THE EAST RIGHT-OF-WAY OF AFORESAID HOLLY STREET AS ABANDONED IN THE FIELD;

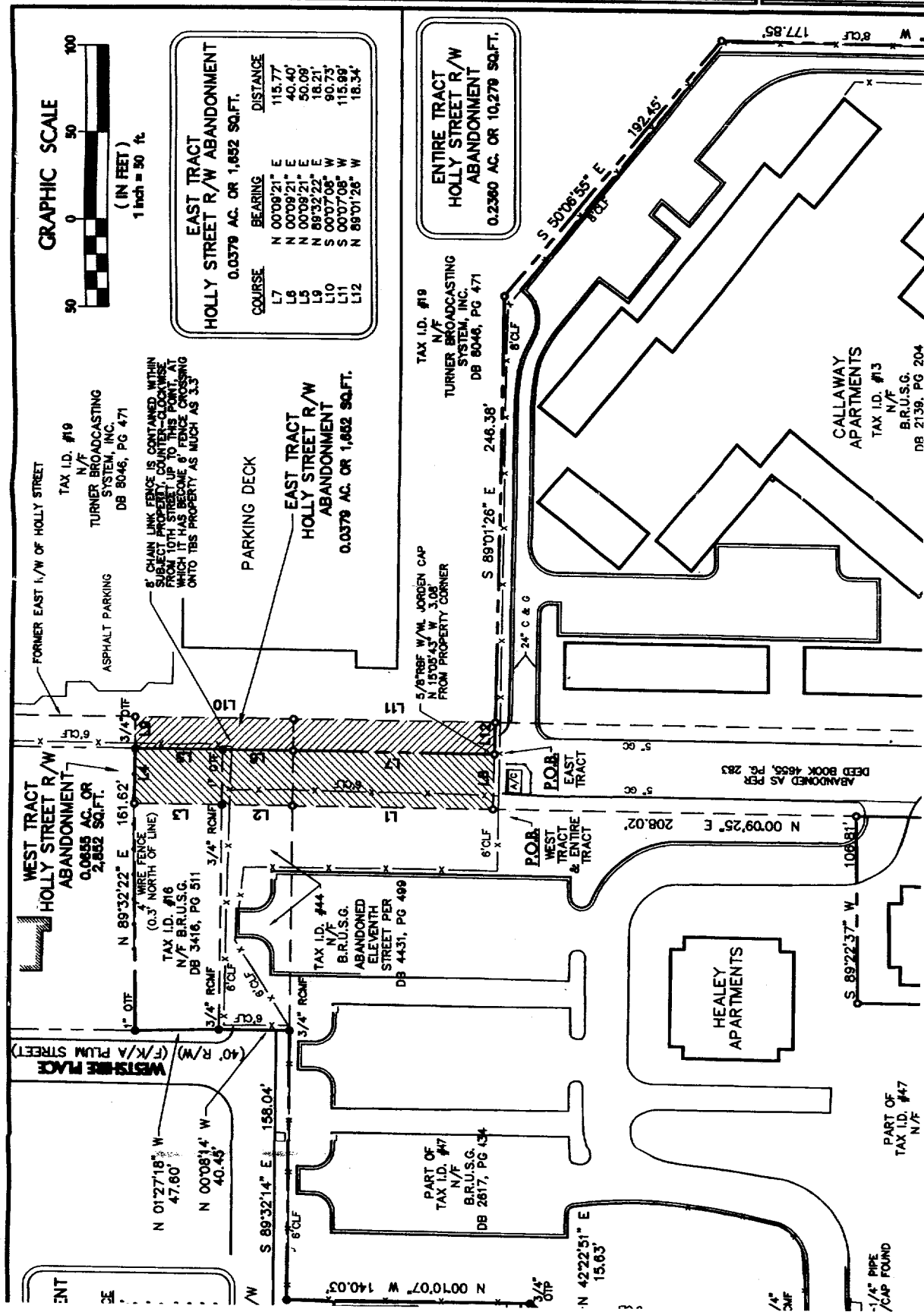
THENCE PROCEED ALONG SAID FORMER EAST RIGHT-OF-WAY OF SAID HOLLY STREET AS ABANDONED IN THE FIELD, SOUTH 00 DEGREES 07 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 90.73 TO A POINT;

THENCE PROCEED ALONG SAID EAST RIGHT-OF-WAY OF SAID HOLLY STREET AS ABANDONED IN THE FIELD SOUTH 00 DEGREES 07 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 115.99 FEET TO A POINT AT THE AFORESAID NORTHERN TERMINUS OF HOLLY STREET AS ABANDONED PER DEED BOOK 4655, PAGE 283;

THENCE PROCEED ALONG SAID NORTHERN TERMINUS NORTH 89 DEGREES 01 MINUTE 26 SECONDS WEST FOR A DISTANCE OF 18.34 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE ALONG AFORESAID TERMINUS OF HOLLY STREET AS ABANDONED PER SAID DEED NORTH 89 DEGREES 01 MINUTE 26 SECONDS WEST FOR A DISTANCE OF 31.60 FEET TO THE POINT OF BEGINNING;

SAID PROPERTY CONTAINS 0.2360 ACRES OR 10,279 SQUARE FEET.



RCS# 6083  
10/04/04  
1:58 PM

Atlanta City Council

Regular Session

CONSENT I            CONSENT I PGS 6-20 EXCEPT 04-O-1587 1588  
                         1589 1591 1592 1252 1254  
                         ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	B Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

		10-04-04 Council Meeting
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1418	38. 04-R-1683	60. 04-R-1705
2. 04-O-1441	39. 04-R-1684	61. 04-R-1706
3. 04-O-1565	40. 04-R-1685	62. 04-R-1707
4. 04-O-1567	41. 04-R-1686	63. 04-R-1708
5. 04-O-0438	42. 04-R-1687	64. 04-R-1709
6. 04-O-1507	43. 04-R-1688	65. 04-R-1710
7. 04-O-1559	44. 04-R-1689	66. 04-R-1711
8. 04-O-1572	45. 04-R-1690	67. 04-R-1712
9. 04-O-1582	46. 04-R-1691	68. 04-R-1713
10. 04-O-1728	47. 04-R-1692	69. 04-R-1714
11. 04-O-1732	48. 04-R-1693	70. 04-R-1715
12. 04-R-1655	49. 04-R-1694	71. 04-R-1716
13. 04-R-1421	50. 04-R-1695	72. 04-R-1717
14. 04-R-1668	51. 04-R-1696	
15. 04-R-1719	52. 04-R-1697	
16. 04-R-1487	53. 04-R-1698	
17. 04-R-1624	54. 04-R-1699	
18. 04-R-1673	55. 04-R-1700	
19. 04-R-1674	56. 04-R-1701	
20. 04-R-1675	57. 04-R-1702	
21. 04-R-1491	58. 04-R-1703	
22. 04-R-1659	59. 04-R-1704	
23. 04-R-1660		
24. 04-R-1661		
25. 04-R-1662		
26. 04-R-1663		
27. 04-R-1664		
28. 04-R-1665		
29. 04-R-1613		
30. 04-R-1676		
31. 04-R-1677		
32. 04-R-1678		
33. 04-R-1679		
34. 04-R-1680		
35. 04-R-1681		
36. 04-R-1682		
37. 04-R-1718		



04-0-1567

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ADOPTED BY

OCT 04 2004

COUNCIL

- ☒ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

9/20/04

Referred To:

City Utilities

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee City Utilities  
Date Sept 14, 2004  
Chair City  
Referred To City

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

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